

ADA Grievance Procedure

The North Carolina Department of Transportation has adopted an internal grievance procedure for prompt and equitable resolution of complaints alleging an action prohibited by federal regulations contained in Title II of the Americans with Disabilities Act of 1990 (ADA).

Issues that are grievable include but are not limited to: denial of a requested accommodation, inadequacy of an accommodation, inaccessibility of a program or activity due to disability, or discrimination based on disability.

All such complaints should be addressed to the ADA Program, NCDOT Office of Equal Opportunity and Workforce Services, 1511 Mail Service Center, Raleigh, NC 27699-1511, Tel: (919) 508-1844. The ADA Program coordinates the Department's ADA compliance efforts.

The following steps explain the procedure:

1. A complaint shall be filed in writing and shall contain the complainant's name, address, phone number, and nature of the complaint, previous denials of requested accommodation, and alleged violation (if any) of the regulations.
2. In the event the complainant is unable to prepare the complaint in writing, he/she may contact the ADA Coordinator by phone to arrange an alternate method.
3. A complaint shall be filed within thirty (30) days after the complainant becomes aware of the alleged violation or denial of accommodation. Complaints received later than thirty (30) days after the alleged violation or denial of accommodation may be dismissed as untimely.
4. An investigation, as may be appropriate, will follow the filing of a complaint. The Department may choose to investigate or refer the complaint to the FHWA (Federal Highway Administration) or other federal oversight agency(ies) for investigation as required. The Department's investigation shall be conducted by the Department's ADA Coordinator and/or designated staff. The investigation shall include contact with the complainant, NCDOT staff, and others as necessary.

5. A written report of findings as to the validity of the complaint and a proposed resolution, if any, shall be issued by the Department's ADA Coordinator. A copy of the written report forwarded to the complainant not later than sixty (60) days after receipt of the complaint. The findings report shall include:
 - A) a description of the complaint
 - B) a finding of facts
 - C) a description of how the complaint will or will not be resolved
 - D) when the complaint will be resolved if not denied
 - E) responsible staff name and contact information if not denied
 - F) appeal rights of the complainant
6. The complainant or the affected unit of the Department can request reconsideration of the resolution if he/she is dissatisfied with reported findings. Requests for reconsideration must be made within thirty (30) days to the Secretary of the North Carolina Department of Transportation. Upon timely receipt of a request for reconsideration, the Secretary has an additional thirty (30) days to respond. The Secretary's decision is the final agency decision.
7. A complainant is not required to exhaust the Department's grievance procedure before filing a complaint with the North Carolina office of the FHWA, the US FHWA, the US Department of Justice or US Department of Transportation.
8. These procedures are designed to establish operating guidelines that incorporate appropriate due process standards and ensure agency compliance with Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA.
9. Retaliation against a complainant under this grievance procedure or individual assisting a complainant is prohibited.
10. The Department's ADA Coordinator shall maintain records of all complaints for a period of five (5) years.